

Mark-Up Statement for H.R. 4423
Rep. Christopher H. Smith, Chairman
Subcommittee on Africa, Global Human Rights and
International Operations
April 6, 2006

Colleagues, it's my pleasure this afternoon to mark up H.R. 4423, introduced as the Ethiopia Consolidation Act of 2005. Last May, this Subcommittee held a hearing on the border dispute between Ethiopia and Eritrea. As that hearing made quite clear, the governments of both nations were in violation of international human rights standards, even as the world was distracted by the potential of a reignited war between these two neighbors.

Within weeks of that hearing, Ethiopia held what promised to be a breakthrough election. The process had never been more open. Opposition political parties had never had more freedom to campaign, despite some continued government interference. A greater percentage of voters turned out at the polls than ever before in Ethiopian history. Preliminary returns indicated an exponential increase in the number of seats won by the opposition candidates.

Unfortunately, the promise of the May 2005 elections ended with the questionable counting of the ballots cast, delayed release of election results and subsequently with gunfire. With election results delayed weeks past the end of voting, citizens throughout the country became concerned that their individual votes had been discounted. Massive arrests of students led to demonstrations, and in early June, nearly 40 political activists were shot to death by government forces in the capital city of Addis Ababa.

I became concerned that the situation in Ethiopia, an ally of the United States in the vital Horn of Africa region, could spiral out of control. Therefore, my office began working with Human Rights Watch, Amnesty International and Oxfam America to

develop legislation that sought to correct some of the problems that led to the increasing human rights abuses and encourage Ethiopia to pursue a more certain path to democratic elections, good governance and economic development.

That summer, my staff and I visited Ethiopia to see for ourselves what could be done to salvage a situation that continued to deteriorate. We were disappointed with the reaction of Prime Minister Meles Zenawi, who told us he had “proof” that opposition leaders were guilty of treason and he could arrest them at any point. Conversely, we saw proof that opposition officials were being followed and harassed.

A flawed process of resolving election complaints, and on-and-off negotiations between the government and the opposition, failed to resolve the increasingly bitter dispute over the election and the delayed release of results. Meanwhile, mass arrests continued, and the ban on demonstrations and the limitations on free speech continued. In November, another demonstration resulted in shooting deaths at the hands of government forces – this time including innocent bystanders.

The intent of H.R. 4423 has always been to hold accountable those who were involved in the shootings, as well as the government that has failed to fully investigate or prosecute its forces involved in two sets of shootings. Over the past few weeks, we have been able to strengthen this bill, with the help of good suggestions and input from colleagues on this Subcommittee and our friends in the human rights community.

There is a requirement that all military cooperation not connected with either counter-terrorism or peacekeeping be suspended until the U.S. certifies that the government of Ethiopia is respecting human rights and the rule of law. Although the overwhelming amount of current military cooperation between our

nations would be exempted, this prohibition would prevent future expansion of U.S.-Ethiopia military cooperation until the specified conditions are met.

There also is a travel ban that prevents travel to America by those government officials and forces involved in the shooting of demonstrators, as well as those civilians determined to be involved in the unfortunate deaths of seven police officers.

However, H.R. 4423 is not merely a punitive measure. It provides technical assistance and other support to try to change the circumstances that have limited Ethiopia's progress and have led to the tragic incidents of 2005. In this regard:

- H.R. 4423 calls for the immediate and unconditional release of all political prisoners and prisoners of conscience in Ethiopia.
- It provides support for the work of both international and domestic human rights agencies and urges the dispatch of the UN Special Rapporteur on Torture.
- It provides human rights training for both domestic human rights organizations and government agencies, so that both sides are clear about what is called for in international human rights agreements to which Ethiopia is a signatory, and so that the rule of law can prevail in Ethiopia's court system.
- It establishes technical assistance for court, police, security and prison personnel so that those arrested and held in custody can be treated in a humane way when their incarceration is justified by the facts, and so that those who peacefully demonstrate to express their political views can be dealt with in a lawful manner.

- It establishes a Judicial Watch Network to enable the Ethiopian judiciary to operate independently with monitoring of actions that threaten that independence.
- It encourages the Government of Ethiopia to revise its laws that currently unduly limit the right of journalists to freely provide information, and establishes a program to strengthen the private media in Ethiopia – a vital factor in any free society.
- It provides technical assistance to enhance the democratic operation of local, regional and national governments and to promote reconciliation through peaceful political groups.
- It provides support and encouragement of efforts by the Government of Ethiopia and the political opposition to work together to ensure that future elections – including the upcoming local elections – are conducted in an atmosphere free of intimidation and harassment and that those elected to office are allowed to exercise their duties as public officials without undue limitations.
- It provides technical assistance on the appropriate and effective use of resources, especially water resources, as well as economic policy assistance on such issues as land ownership to help build the Ethiopian economy so that it can reduce the need for donor support.
- Finally, it provides financing for U.S.-Ethiopian commercial ventures so that the Ethiopian private sector can create jobs and help this nation reduce its high level of poverty.

I believe the amendment in the nature of a substitute I am introducing today is a more comprehensive, effective piece of legislation, and for that I thank my colleagues, especially our ranking member, Mr. Payne, and Ambassador Watson for their helpful interventions.

I'm sure they would agree that each day we delay in passing this legislation is yet another day that political party officials, human rights activists, journalists and even children remain behind bars without a strong, legislative statement by our government.

This bill has 15 cosponsors – three of them among the members of this Subcommittee: Mr. Royce, Mr. Tancredo and Ambassador Watson. I thank them for their support for this measure, and I ask for the support of the other members of this body for H.R. 4423 as amended so that we can favorably report this bill out of Subcommittee.